

R U X T O N I S L A N D

ZONING BYLAW NO. 13

NOTE: This Bylaw is not a legal document. For consistency the word "bylaw" is no longer hyphenated. In addition when an act has been cited in this document, the title of said act is in italics.

Certified copies of the Zoning Bylaw are available from the Islands Trust Office, 1106 Cook Street, Victoria, B. C. V8V 3Z9

July, 1984

THETIS ISLAND TRUST COMMITTEE

BYLAW NO. 13

A BYLAW TO DIVIDE RUXTON ISLAND INTO ZONES AND TO REGULATE THE USE OF LAND INCLUDING THE SURFACE OF WATER AND THE LOCATION, SIZE AND USE OF BUILDINGS AND STRUCTURES

The Thetis Island Trust Committee being the Trust Committee having jurisdiction on and in respect to Ruxton Island in the Province of British Columbia, pursuant to the *Islands Trust Act*, R.S.B.C., 1979, Chapter 208, in open meeting assembled, enacts as follows:

SECTION 1

ADMINISTRATION

1.1 General

- (a) This Bylaw shall be applicable to Ruxton Island, as shown on Schedule "A", attached to and forming part of this Bylaw.
- (b) This Bylaw may be cited as "Ruxton Island Zoning Bylaw, 1982".

1.2 Zones

- (a) The area covered by this Bylaw has been divided into the following zones, the boundaries of which are shown on Schedule "A":
 - S Settlement Zone
 - CS Community Services Zone
 - W-1 Marine Environment Protection Zone.
- (b) The boundary between water and land zones shall be the surveyed lot line.

1.3 Violation

No building or structure shall be sited, used, constructed, moved, or altered, except in conformity with this Bylaw and no land or surface of water shall be used or occupied, except in conformity with this Bylaw.

1.4 Penalty

- (a) Any person who violates the provisions of this Bylaw is liable on summary conviction to a penalty not exceeding five hundred (500) dollars for each day the violation continues plus prosecution costs.
- (b) The Islands Trust may seek a court order to authorize the demolition, removal or the bringing up to standard of any building, structure or thing, in whole or in part, that is in contravention of this Bylaw.

1.5 Amendment

Any person applying to have this Bylaw amended shall apply in writing to the Manager of the Islands Trust.

1.6 Appeal

The Board of Variance, established under a Bylaw of the Islands Trust Committee, shall hear and determine any appeal pursuant to Section 727 of the *Municipal Act*.

1.7 Severability

If any section, subsection, clause, subclause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Bylaw.

SECTION 2GENERAL REGULATIONS2.1 Uses and Structures Permitted in any Zone

Navigational aids and public utility uses and structures, excluding distribution stations, transmission towers, pipelines and storage and repair of equipment, shall be permitted in any zone.

2.2 Non-Compliance with Siting and Size Requirements

A building or structure existing at the time of adoption of this Bylaw which fails to comply with the requirements relating to siting and size herein shall not be deemed to be non-conforming for such non-compliance, but any subsequent alterations or additions to such buildings or structures shall be permitted only if they are in accordance in all respects with the requirements of the Bylaw.

2.3 Non-Conforming Use

A lawful use of premises existing at the time of adoption of this Bylaw, although such use does not conform to the provisions of this Bylaw, may be continued subject to the provisions of Section 722 of the *Municipal Act, R.S.B.C., 1979*, respecting non-conforming uses.

2.4 Siting Exceptions

- (a) Where steps, eaves, canopies, balconies or chimneys project beyond the face of a building, the minimum distance to any lot line as regulated elsewhere in the Bylaw may be reduced by not more than two metres providing such reductions shall apply only to the projecting feature.
- (b) Driveways, walkways, patios, water storage and distribution and sewage disposal systems and swimming pools may be sited on any portion of a lot, provided that at no point the structure shall extend more than 0.5 metres above the average finished ground elevation.
- (c) Fences, walks or waterfront stairways, not exceeding two metres in height may be situated on any portion of a lot.

2.5 Height Exceptions

The heights of permitted buildings and structures may be exceeded for retaining walls, radio and television antennas, chimneys, flag poles, lighting poles, stairways and water storage tanks.

SECTION 3ZONE-SPECIFIC REGULATIONS3.1 SETTLEMENT (S) ZONE

This zone is for residential use; no other use is permitted. One dwelling unit and accessory buildings and structures shall be permitted, per parcel, subject to the following:

- (a) No building or structure or part thereof shall be located within 5 metres of any lot line;
- (b) No building shall be located within 10 metres of the natural boundary of the sea;
- (c) No building or structures shall exceed a height of 8 metres; and
- (d) Buildings and structures in total shall cover not more than 20 per cent of the lot.

3.2 COMMUNITY SERVICES (CS) ZONE

This zone is for recreation and community service uses; no other use is permitted. Firehalls, water storage and distribution facilities and buildings and structures accessory to community service uses are permitted, subject to:

- (a) No building or structure or part thereof shall be located within 5 metres of any lot line;
- (b) No building shall be located within 10 metres of the natural boundary of the sea; and
- (c) No building or structure shall exceed a height of 7.5 metres.

3.3 MARINE ENVIRONMENT PROTECTION (W-1) ZONE

This zone is to provide for the boat moorage and mariculture uses while preserving the natural beauty of Ruxton Island's coastline. Mooring buoys shall be permitted. No wharves, floats, breakwaters, pilings or other permanent structures shall be permitted.

SECTION 4DEFINITIONS

In this Bylaw:

"Accessory Building" means a subordinate, non-residential building or structure which is customarily accessory to the principal use of the land and which is not attached to a principal building.

"Building" means any structure wholly or partly enclosed by a roof or roofs, supported by air, walls or columns and which is intended to be used for the shelter, habitation, accommodation, assembly or storage of persons, animals, goods or chattels.

"Height" means the vertical distance from the average finished ground level at a distance of one metre out from the perimeter of the building or structure to the highest point of the building or structure.

"Natural Boundary" means the visible high water mark of the sea, or a lake, a river, a stream, or other body of water where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock a character distinct from that of the bank(s) thereof.

"Parcel" means the smallest unit in which land is designated as a separate and distinct parcel on a legally recorded plan or description filed in the Land Titles Office.

"Structure" means any construction fixed to, supported by or sunken into land or water.

READ A FIRST TIME THIS	23rd	day of	February	1983
READ A SECOND TIME THIS	28th	day of	May	1983
READ A THIRD TIME THIS	28th	day of	May	1983
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	11th	day of	August	1983
RECONSIDERED AND FINALLY ADOPTED THIS	21st	day of	September	1983

Acting Manager

Chairman